THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 10408 of 2006

Oral order:

Assailing the order dated 09.08.2003, passed by the 2nd respondent, namely the Deputy General Manager (Per & HRD), declining the request of the petitioner for appointment on compassionate grounds, the petitioner filed the present writ petition.

It is the contention of the petitioner that the retiral benefits released by the respondents towards the death of her husband are not adequate to meet the needs of her family, and as such, she made request to the respondents to provide her appointment on compassionate grounds, but the action of the respondents in declining her request for appointment on compassionate grounds on the ground that their financial position is sound, is illegal and arbitrary.

The respondents filed detailed counter. The learned Standing Counsel appearing on behalf of the respondents submitted that the petitioner's husband died on 22.01.2003. He submitted that the respondents paid an amount of Rs.10,80,092/- to the petitioner towards retiral benefits of her husband, and out of the said amount, an amount of Rs.2,70,837/- was adjusted towards outstanding housing loan, vehicle loan and festival advance, and the petitioner, in fact, was left with an amount of Rs.8,09,255/-. Apart from the said amounts, the petitioner is being paid family pension of Rs.4,807/- per month. He further submitted that the petitioner's moveable and immoveable property, including the terminal benefits, work out to Rs.16,03,092/-, and inasmuch as the petitioner's financial position is sound, the respondents rejected the request of the petitioner for compassionate appointment, and more so when the Scheme for Appointment on Compassionate Grounds for Dependants of Deceased Employees/Employees Retired on Medical Grounds, which came into effect from 01.01.1998, is said to have been discontinued w.e.f 12.12.2005, and in its place, a new scheme providing for payment of *ex-gratia*, has come into force from 30.12.2005. He thus prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned

Standing Counsel for the respondents.

The object of providing compassionate appointment is to provide immediate relief and succor to the family of the deceased to enable them tide over the sudden financial crisis that may befall on family on the death of the sole breadwinner. Be that as it may, providing of employment on compassionate grounds to the family member of the deceased is not as a matter of right, but is subject to the poor financial condition of the family at the time of the death of the deceased employee.

The petitioner's husband died on 22.01.2003, and it is the case of the respondents that they paid an amount of Rs.10,80,092 to the petitioner, and that out of the said amount an amount of Rs.2,70,837/- being the dues of housing loan, vehicle loan and festival advance, were deducted, and that an amount of Rs.8,09,255/- was received by the petitioner. Apart from paying the said amounts, it is the case of the respondents that the petitioner is getting every month an amount of Rs.4,807/- towards family pension. The total assets of the petitioner, both moveable and immoveable, it is stated are worth Rs.16,03,092/-. Inasmuch as the petitioner's financial position is sound, which is evident from the amounts received by the petitioner, and having regard to the fact that she is being paid an amount of Rs.4,807/- per month towards family pension, which would be more than sufficient to meet the needs of the family, no exception can be taken to the action of the respondents in rejecting the request of the petitioner for providing employment on compassionate grounds on the ground that her financial position is sound.

This apart, the scheme, which hitherto provided for compassionate appointment, is said to have been discontinued and replaced with a new scheme providing for *ex gratia* in lumpsum to the family of the deceased.

In the above view of the matter, I find no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 3rd July, 2006.
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